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Attorney's Docket No.: 10274-062001 / A061CIP1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mundy et al.
Serial No. : 09/943,659
Filed : August 31, 2001
Title : METHODS OF TREATING MULTIPLE MYELOMA AND MYELOMA-INDUCED BONE RESORPTION USING INTEGRIN ANTAGONISTS

Art Unit : 1644
Examiner : Maher M. Haddsd

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed October 3, 2003, applicant elects the invention of Group V, claims 12-16. Applicants elect the species of chemotherapeutic agent melfalan. Applicants respectfully traverse the restriction requirement for the following reasons, at least with regard to groups V, XIII and XXI.

The preambles of groups V, XIII and XXI (respectively "treating multiple myeloma," "inhibiting bone resorption associated with tumors of bone marrow" and "treating a subject having a disorder characterized by the presence of osteoclastogenesis") read on overlapping subject matter and thus should be grouped together. For example, the specification provides as follows.

Multiple myeloma is the second most common hematologic malignancy, with 15,000 new cases diagnosed each year and 30,000 to 40,000 myeloma patients in the U.S. annually (Mundy and Bertolini 1986). Eighty percent of the patients suffer from devastating osteolytic bone destruction caused by increased osteoclast (OCL) formation and activity (Mundy and Bertolini 1986). This bone destruction can cause excruciating bone pain, pathologic fractures, spinal cord compression, and life-threatening hypercalcemia. Because multiple myeloma cannot be cured by standard chemotherapy or stem cell transplantation (Attal et al, 1996), and because of the severe morbidity and potential mortality associated with myeloma

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bone disease, treatment strategies that control the myeloma growth itself, and in particular the osteolytic bone destruction that occurs in these patients, are vitally important. (specification at page 2, line 6 to line 25, emphasis added)

Therefore, the methods of groups XIII and XXI are directed to treating elements which are very common in the disorder treated in group V. Thus, there is no evidence that groups V, XIII and XXI would have a separate status in the art or a different field of search. Indeed, groups V, XIII and XXI are classified in the same class and subclass. Therefore, the Examiner has not established that a serious burden would be involved in searching groups V, XIII and XXI together. Accordingly, Applicants respectfully request that groups XIII and XXI be reclassified with group V and that groups V, XIII and XXI be examined together.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

3 November 2003



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